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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/036,501	03/06/1998	DAVID S. LOURIE	42390.P5104	6042

7590 03/26/2002

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/036,501

Applicant
Lourie et al.

Examiner
Luong Nguyen

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2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 5, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 18, 19, and 21-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 16, 18, 19, and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

Request for Continued Examination

1. The request filed on 3/5/02 for a Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/036,501 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Arguments

2. Applicant's arguments filed on 3/5/02 and 1/25/02 have been fully considered but they are not persuasive.

Note that the amendment filed on 1/25/2002 is not enter. However, the preliminary amendment filed on 3/5/2002, which does not include Applicants's Remark on the Examiner's rejections, is the same with the amendment filed on 1/25/2002. The Applicants's Remark on the Examiner's rejections in the amendment filed on 1/25/2002 is considered by the Examiner.

In re page 4 of Remarks in the amendment filed on 1/25/2002, Applicants argue that there is no suggestion to combine the references in the manner stated in the Office Action.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge

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generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In re page 4, Applicants argue that it is impermissible to use hindsight to reconstruct the invention.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In re page 5, Applicants argue that Stedman does not teach or suggest causing the computer system to exit an inactive mode **in response to motion detected** by a camera or other device. Brown does not disclose causing a computer system to exit an inactive mode when a change is detected.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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In addition, these limitations are not recited in claims 15 and 22.

In re page 5, Applicants argue that Ng does not provide any motivation for combination with a computer system.

In response, the Examiner considers that Ng is combined with Stedman et al. and Brown to provide a system capable of immediately identifying changes in an image represented by a video signal (Ng, column 1, lines 49-51).

In re page 5, Applicants argue that Ng does not disclose, teach, or suggest causing a computer system to exit an inactive mode in response to the weighted average of brightness of the two frames differing by a predetermined amount.

In response, this feature is disclosed by combination of Stedman et al. and Brown as discussed in Office Action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-16, 18-19, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (US 5,675,364) in view of Brown (US 5,455,561) further in view of Ng (5,731,832).

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Regarding claim 15, Stedman et al. disclose a computer system which provides a wakeup control function, comprising memory, disclosed as memory 36 (figure 2, column 3, lines 39-53); a processor (processor 12, figure 2, column 3, lines 39-53) which causes the computer system to exit the inactive mode (controller 40 generates wakeup signal which signals system power 12 to wake up, i.e., to transition from the system power saving mode (inactive mode) to the normal mode operation (active mode), column 4, lines 40-47). Stedman et al. disclose a processor to cause the computer system to transition from an active mode to an inactive mode in response to a predetermined period of inactivity (power saving mode, column 1, lines 25-50, column 6, lines 16-30).

Stedman et al. fail to specifically disclose a memory to store a weighted average of brightness corresponding to one or more frames representing a view of different times; and a processor which causes the computer system to exit the inactive mode in response to the weighted average of brightness of the two frames differing by a predetermined amount. However, Brown discloses a video camera surveillance system comprising memory, disclosed as frame recorder 4 (figure 1, column 4, lines 34-45); processor, disclosed as change detector 7 which compares the difference signal between a frame from the series of frames subsequent to the reference frame and the reference frame, and generates an output signal line 19 if the difference is beyond a preset threshold (figures 1-2, column 4 line 53 through column 5, line 25, column 7, line 67 through column 8, line 7). Brown discloses combination of frame recorder 4 and change detector 7 as computer system which operates in active mode when the discrepancy count value exceeds the

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minimum, then an alarm signal is generated on signal line 19 to activate alarm 12 or video cassette recorder 11 (figures 1-2, column 5, line 20 through column 6, line 8); and computer system operates in inactive mode when the discrepancy count value below the minimum required to generate an alarm condition, the alarm condition is removed from signal line 19 (figures 1-2, column 6, lines 15-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Stedman et al. by the teaching of Brown in order to provide a system which can recognizes different mode by comparing the property of two frames.

Stedman et al. and Brown fail to specifically disclose the difference weighted average of brightness of the two frames differing by a predetermined amount. However, Ng teaches the difference between the current frame and the reference frame is determined on a pixel-by-pixel basis, and the pixel value indicates the luminance level or brightness level (column 6, lines 12-17, column 7, lines 10-28), and a motion detection signal is generated if the difference between the current frame and the reference frame exceeds a threshold (see abstract, difference weighted average of brightness of the two frames differing by a predetermined amount). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Stedman et al. and Brown by the teaching of Ng in order to provide a system capable of immediately identifying changes in an image represented by a video signal (column 1, lines 49-51).

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Regarding claim 16, Stedman et al. discloses a reset circuitry coupled to the processor to power up the computer system to exit the inactive mode (column 4, lines 40-47).

Regarding claims 18 and 24, Brown discloses the processor receives frames at a first frame rate when the computer system is in the active mode and the processor receives frames at a second frame rate when the computer system is not in the inactive mode (column 5, lines 3-25, column 6, lines 63+).

Regarding claims 19 and 23, Brown discloses the processor determines the frame property when the computer system is in the inactive mode and does not determine the frame property when the computer system not in the inactive mode (column 5, lines 3-26).

Regarding claim 21, Brown discloses the processor compares frames by comparing a weighted average brightness of the consecutive frames (column 3, lines 34-44, column 4, lines 34-67).

Regarding claim 22, Stedman et al. disclose a computer system which provides a wakeup control function which causes the computer system to exit the inactive mode (controller 40 generates wakeup signal which signals system power 12 to wake up, i.e., to transition from the system power saving mode (inactive mode) to the normal mode operation (active mode), column 4, lines 40-47). Stedman et al. disclose causing the computer system to transition from an active mode to an inactive mode in response to a predetermined period of inactivity (power saving mode, column 1, lines 25-50, column 6, lines 16-30). Stedman et al. fail to specifically disclose receiving a first frame corresponding to a view at a first time; receiving a second frame

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corresponding to a view at a second time; determining weighted average brightness for the first and second frame; and causing the computer system to exit the inactive mode if the weighted average brightness for the first frame differs from the weighted average brightness for the second frame by a predetermined amount.

However, Brown discloses a video camera surveillance system comprising receiving a first frame and a second frame, disclosed as frame recorder 4 (figure 1, column 4, lines 34-67); determining a property for first frame and for second frame, disclosed as circuitry for discriminating between signals (figure 1, column 3, lines 20-40; column 4, lines 34-67). Brown discloses combination of frame recorder 4 and change detector 7 as computer system which operates in active mode when the discrepancy count value exceeds the minimum, then an alarm signal is generated on signal line 19 to activate alarm 12 or video cassette recorder 11 (figures 1-2, column 5, line 20 through column 6, line 8); and computer system operates in active mode when the discrepancy count value below the minimum required to generate an alarm condition, the alarm condition is removed from signal line 19 (figures 1-2, column 6, lines 15-31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Stedman et al. by the teaching of Brown in order to provide a system which can recognizes different mode by comparing the property of two frames.

Stedman et al. and Brown fails to specifically disclose determining a weighted average brightness for the first frame and second frame; and the first frame differs from the weighted average brightness for the second frame by a predetermined amount. However, Ng teaches the pixel value

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of a frame indicates the luminance level or brightness level (column 6, lines 12-17, column 7, lines 10-28); and a motion detection signal is generated if the difference between the current frame and the reference frame exceeds a threshold (see abstract, the first frame differs from the weighted average brightness for the second frame by a predetermined amount). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system in Stedman et al. by the teaching of Brown and Ng in order to provide a system capable of immediately identifying changes in an image represented by a video signal (column 1, lines 49-51).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,

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Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a genreal nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
3/20/2002


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600